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No. [redacted] 173

In the

# Supreme Court of the United States

October Term, A.D. 1960

N. S. HOON, *Petitioner*,

vs.

HARMER STEEL PRODUCTS & SUPPLY CO., a corporation, THE PORT OF LONGVIEW, UNITED PACIFIC INSURANCE COMPANY, a corporation; ASANO BUSSAN COMPANY OF NEW YORK, INC., a corporation, and ROBERT T. STEVENS, *Respondents*.

## BRIEF OF RESPONDENTS IN OPPOSITION TO PETITION FOR CERTIORARI

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*Respondents.*

No. 1033

# BRIEF OF RESPONDENTS IN OPPOSITION TO PETITION FOR CERTIORARI

TO:

THE HONORABLE SUPREME COURT OF THE UNITED STATES

All Respondents (except United Pacific Insurance Company, surety for Petitioner) join in opposing the granting of the Petition for Certiorari on the following grounds:

1. The Petition for Writ of Certiorari does not disclose any special and important reasons justifying the grant of a

review, as required by Rule 19, Rules of the Supreme Court.

2. The case presents only factual questions and questions of state law having no important significance.

(a) The Supreme Court of the United States will ordinarily not grant certiorari to review the evidence or inferences to be drawn from it.

*General Talking Pictures Corp. v. Western Electric Co.*, 304 U. S. 175, 58 S. Ct. 849, 82 L. ed 1273; *NLRB v. Waterman S. S. Corp.*, 309 U. S. 206, 60 S. Ct. 493, 84 L. ed. 704.

(b) The petitioner has already had the credibility of his testimony and the ultimate facts found against him by both the District Court and the Court of appeals for the Ninth Circuit. (See Appendix A, Petition for Certiorari, pp. 28-30, Court of Appeals opinion.)

(c) Certiorari is granted only in cases involving principles the settlement of which is of importance to the public as distinguished from that of the parties, and in cases where there is a real and embarrassing conflict of opinion and authority between the cir-

cuit courts of appeal."

*NLRB v. Pittsburgh Steamship Company* 340 U. S. 498, 95 L. ed 479.

*Layne & Bowler Corp. v. Western Well Works*, 261 U. S. 387, 393, 67 L. ed 712, 714, 43 S Ct 422.

3. The Petition for Certiorari is patently frivolous. By its failure to set forth any serious grounds for review, it constitutes a vexatious imposition upon this Court and upon Respondents calculated to delay Respondents in enforcing their judgments in the Court below. It is respectfully submitted that in fairness to Respondents the Court should adjudge them reasonable damages for delay, including costs, expenses and attorneys' fees, as permitted by Rule 56, Rules of the Supreme Court.

Dated: July 8, 1960.

Respectfully submitted,

THOMAS L. MORROW,
Counsel for Respondents

JOHN F. McCARTHY
ROBERT A. LEEDY
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